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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Security Council
Fifty-seventh year

Letter dated 26 February 2002 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General

I have the honour to transmit to you, herewith, a copy of the communiqué from the Council of Ministers, dated 25 February 2002, concerning the question of Western Sahara (see annex). I should be grateful if you could have this letter and its annex circulated as a document of the General Assembly, under agenda item 18, and of the Security Council.

(*Signed*) Abdallah **Balli**
Ambassador
Permanent Representative

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Annex to the letter dated 26 February 2001 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General

Communiqué from the Council of Ministers dated 25 February 2002

The Council of Ministers referred to the communiqué published on 21 February by the Government of the Kingdom of Morocco, following the publication of the report of the Secretary-General of the United Nations on Western Sahara.

The Council of Ministers notes out with regret that this communiqué and the virulent campaign accompanying it run counter to the efforts that Algeria and Morocco are jointly making to strengthen confidence and mutual understanding in the interest of good neighbourliness and cooperation between Algeria and Morocco, two sister nations, and in the interest of strengthening the Arab Maghreb Union.

The Council of Ministers considers the communiqué from the Moroccan Government to be a further attempt to mislead the public in the Maghreb, in Africa and the world as to the real facts of the conflict concerning Western Sahara.

Accordingly, some corrections are needed.

First, the efforts the international community has been making for over two decades to bring the Kingdom of Morocco and the Frente POLISARIO to agree on the ways and means of sanctioning in Western Sahara the imprescriptible right of people to self-determination set forth in the Charter of the United Nations, underscores the futility of resorting yet again to delaying tactics in an attempt to hide the reality of this decolonization problem or, what is more, to misrepresent it as a bilateral dispute with Algeria.

Second, Algeria has, indeed, upheld and continues to openly uphold the right of the Saharan people to self-determination; it has taken the same position with respect to many other peoples all over the world. It takes pride in the fact that it remains true to its own history, and notes that the right of colonial peoples to self-determination and independence has been sanctioned everywhere else but in Western Sahara, the most recent example being that of Timor. Algeria remains convinced that, sooner or later, that same imprescriptible right will triumph in Western Sahara. This is borne out by the history of decolonization.

Third, the United Nations has prepared the road leading to the exercise by the Saharan people of their right to self-determination, in accordance with its responsibility towards colonial countries and peoples. The United Nations Mission for the Referendum in Western Sahara (MINURSO) was set up for that purpose in 1991. The patient process of negotiations between the two parties, led by Mr. James Baker, Personal Envoy of the Secretary-General, resulted, in 1997, in the Kingdom of Morocco and the Frente POLISARIO solemnly accepting the Houston Agreements, which spelled out all the terms relating to the organization and monitoring by the United Nations of a free and impartial referendum on self-determination for the Saharan people. The reasons and responsibility for the blocking of this referendum, the date of which has been announced many times, are well known to the United Nations. Meanwhile, the latest report of the Secretary-

General of the United Nations revealed that henceforth the Kingdom of Morocco is refusing to even proceed with the implementation of the settlement plan, the validity of which the Security Council keeps confirming.

Fourth, Algeria naturally remains attached to the right of the Saharan people to self-determination and it has, in all transparency, objected and it continues to object to the so-called "framework agreement" which seeks to sanction a fait accompli for it is improperly based on alleged rights of the Kingdom of Morocco to Western Sahara, whereas Western Sahara is a Non-Self-Governing Territory over which the occupying Power has no rights. Moreover, the opinion handed down on 29 January 2002 by the Legal Counsel of the United Nations confirms that reality for he certifies that the Madrid Agreement did not transfer sovereignty over the Territory, nor did it confer upon any of the signatories the status of an administering Power, a status which Spain could not have unilaterally transferred.

Fifth, Algeria can only echo the hope expressed by the Government of the Kingdom of Morocco that the international community and the Security Council in particular will thwart the attempts to prolong the status quo to the detriment of all those who are trying to put an end to it. In fact, that long-awaited goal is within the grasp of the international community and of the Maghreb in particular, provided that the two parties to the conflict in Western Sahara can decide at last, together to let the United Nations implement without interference the entire plan which they officially accepted in Houston in 1997.

This goal would be even more readily within the grasp of the international community and the Maghreb in particular if, as suggested in the Secretary-General's report, the two parties to the conflict would agree to the Security Council's investing more of its authority in the organization of the free and impartial referendum on self-determination for the people of Western Sahara and, above all, if each of the two parties would undertake to accept and abide by the outcome of this consultation, whatever it may be, as the international community keeps on demanding.

What is more, for some time there has been another way of changing the status quo in Western Sahara for the Security Council, while requesting the Special Representative of the Secretary-General to work to implement the peace agreement, has also mandated him, if necessary, to work to bring about a political solution through an agreement mutually acceptable to both parties to the conflict.

When all is said and done, the only thing still missing in order for the Saharan people to finally be able to exercise their legitimate and imprescriptible right to self-determination so that international legality may finally be established in Western Sahara and so that security and stability may be strengthened and guaranteed in the interest of all peoples of the Maghreb, is political will on the part of Morocco. As far as it is concerned, Algeria considers the status quo in Western Sahara to be an impediment to constructive cooperation among the peoples of the Maghreb called by their destiny and called by history.

It is in this conviction that it gives and will continue to give its full backing to the Secretary-General of the United Nations and his Special Representative, whose perseverance it commends and whose efforts it will continue to support with a view to completing the process of decolonization of Western Sahara.